



CVCWA

Central Valley Clean Water Association

Representing Over Fifty Wastewater Agencies

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April 17, 2015

Via Electronic Mail Only

Jeremy Pagan
Water Resources Control Engineer
California Water Quality Control Board
Central Valley Region
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RE: Tentative Waste Discharge Requirements for the Tehama County Sanitation District
No. 1, Mineral Wastewater Treatment Plant, Tehama County

Dear Mr. Pagan:

The Central Valley Clean Water Association (CVCWA) appreciates the opportunity to comment on the Tentative Waste Discharge Requirements Order No. R5-2015-XXXX for the Tehama County Sanitation District No. 1 (District) Mineral Wastewater Treatment Plant (Tentative Order). CVCWA is a non-profit association of public agencies located within the Central Valley region that provide wastewater collection, treatment, and water recycling services to millions of Central Valley residents and businesses. We approach these matters with the perspective of balancing environmental and economic interests consistent with state and federal law. In this letter, we provide the following comments regarding the salinity plan requirement and the inclusion of the collection system as part of the facility subject to the permit.

I. Salinity Plan Requirement

The Tentative Order requires the District's Mineral Wastewater Treatment Plant (Facility) to submit a Salinity Evaluation and Minimization Plan "to ensure adequate measures are developed and implemented by the Discharger to reduce the discharge of salinity to South Fork Battle Creek, a tributary to Battle Creek and the Sacramento River" and "to identify and address sources of salinity from the Facility and evaluate efforts to minimize salt loading to the Sacramento River."¹ This requirement is unnecessary. As the Fact Sheet explains, the District only discharges to surface water when inflow to the Facility from large snowmelt runoff in the spring months exceeds the capacity of the evaporation/percolation ponds. The Facility has only discharged to South Fork Battle Creek a total of 11 days since 1997, and has not had a discharge event since December 2005.

It is unreasonable to require a small discharger like the District to expend limited resources on developing a salinity plan because of a hypothetical impact to the Sacramento River that may occur once every several years. CVCWA respectfully requests that the requirement to submit a Salinity Evaluation and Minimization Plan be removed from the Tentative Order.

II. Collection System

The Tentative Order contains inconsistent language regarding the collection system. Discharge Prohibition III.A limits the application of the discharge prohibition to the Facility as it is specifically described in the Fact Sheet in section II.B.² In turn, the Facility description in section II.B is limited to the treatment plant and the discharge point.³ Yet, another provision in the Tentative Order states that the District's "collection system is part of the system that is subject to this Order," and as such, the District "must properly operate and maintain its collection system . . . and mitigate any discharge from the collection system in violation of this Order."⁴ By making the collection system subject to the National Pollutant Discharge Elimination System (NPDES) permit, any discharge from the collection system, such as a sanitary sewer overflow, could result in a violation of the permit's general discharge prohibition because of this inconsistent language.

It is unnecessary to regulate the collection system under the NPDES permit as the collection system is subject to the requirements of Statewide General Waste Discharge Requirements for Sanitary Sewer Systems, Order 2006-0003-DWQ (State Board Order 2006-0003-DWQ). State Board Order 2006-0003-DWQ applies to sanitary sewer systems

¹ Tentative Order, p. 17.

² *Id.*, p. 4.

³ *Id.*, p. F-5.

⁴ *Id.*, p. 19.

greater than one mile in length that collect and convey untreated or partially treated wastewater to treatment facilities, and requires enrollees to develop sewer system management plans and other measures to prevent sanitary sewer overflows.⁵

Sanitary sewer systems pose unique challenges for water quality regulation, and the State Water Resources Control Board has adequately addressed these challenges in State Board Order 2006-0003-DWQ. The Regional Board does not need to regulate collection systems further in the District's NPDES permit. To the extent that federal regulations require publicly-owned treatment works to properly operate and maintain all facilities and systems of collection, such requirements are adequately contained in the Standard Provisions.⁶ With respect to other provisions, such as Discharge Prohibitions, the inclusion of the collection system in the manner as provided in the Tentative Order may subject the District to duplicative liability for sanitary sewer overflows that may reach waters of the United States. CVCWA understands that such discharges are not authorized and constitute a violation of the Clean Water Act. However, by making the collections system subject to the Discharge Prohibitions in the Tentative Order, such discharges become a permit violation as well as an unauthorized discharge.

CVCWA respectfully requests that the Regional Water Quality Control Board (Regional Board) revise the inconsistent language on page 19 of the Tentative Order as follows, consistent with other recently adopted Waste Discharge Requirements⁷:

c. Collection System. On 2 May 2006, the State Water Board adopted State Water Board Order No. 2006-0003-DWQ, Statewide General WDRs for Sanitary Sewer Systems. The Discharger shall be subject to the requirements of Order No. 2006-0003-DWQ and any future revisions thereto. Order No. 2006-0003-DWQ requires that all public agencies that currently own or operate sanitary sewer systems apply for coverage under the general WDRs. The Discharger has applied for and has been approved for coverage under Order 2006-0003-DWQ for operation of its wastewater collection system. The Discharger's collection system is part of the system that is subject to this Order. As such, the Discharger must properly operate and maintain its collection system (40 C.F.R. § 122.41(e)). The Discharger must report any non-compliance (40 C.F.R. § 122.41(l)(6) and (7)) and mitigate any discharge from the collection system in violation of this Order (40 C.F.R. §

⁵ State Board Order 2006-0003-DWQ, pp. 2-3, 10-15.

⁶ See Tentative Order, Attachment D, Standard Provision I.D at p. D-1 ["The Discharger shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appurtenances) which are installed or used by the Discharger to achieve compliance with the conditions of this Order."].

⁷ See, e.g., Order R5-2015-2011 (NPDES No. CA0081213) [Bear Valley Community Services District]; Order R5-2014-0007 (NPDES No. CA0084476) [City of Lincoln].

Jeremy Pagan

RE: Tentative Waste Discharge Requirements for the Tehama County Sanitation District No. 1, Mineral Wastewater Treatment Plant, Tehama County

CVCWA

April 17, 2015

Page 4 of 4

~~122.41(d)). See the Order at Standard Provision VI.A.2.c and Attachment D, subsections I.D, V.E, V.H, and I.C.~~

CVCWA also requests that the language in the Fact Sheet on page F-52 be amended to make clear that the collection system is not subject to the NPDES permit:

b. The State Water Board issued General Waste Discharge Requirements for Sanitary Sewer Systems, Water Quality Order 2006-0003-DWQ (General Order) on May 2, 2006. The Monitoring and Reporting Requirements for the General Order were amended by Water Quality Order WQ 2008-0002-EXEC on February 20, 2008. The General Order requires public agencies that own or operate sanitary sewer systems with greater than one mile of pipes or sewer lines to enroll for coverage under the General Order. The General Order requires agencies to develop sanitary sewer management plans (SSMPs) and report all sanitary sewer overflows (SSOs), among other requirements and prohibitions. The Discharger is enrolled under the General Order.

~~Furthermore, the General Order contains requirements for operation and maintenance of collection systems and for reporting and mitigating sanitary sewer overflows. Inasmuch that the Discharger's collection system is part of the system that is subject to this Order, certain standard provisions are applicable as specified in Provisions, section VI.C.5. For instance, the 24-hour reporting requirements in this Order are not included in the General Order. The Discharger must comply with both the General Order and this Order. The Discharger and public agencies that are discharging wastewater into the facility were required to obtain enrollment for regulation under the General Order by December 1, 2006.~~

This is a reasonable approach that avoids duplicative regulation and unintended lawsuits, and CVCWA requests that the Regional Board revise the Tentative Order accordingly.

We appreciate your consideration of these comments. If you have any questions or if CVCWA can be of further assistance, please contact me at (530) 268-1338 or eoofficer@cvcwa.org.

Sincerely,



Debbie Webster,
Executive Officer

cc (via email): Pamela Creedon, Central Valley Regional Water Quality Control Board
(pcreedon@waterboards.ca.gov)